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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,133	03/27/2001	Randall A. Russell	RUS001-461611.1	3821
23444	7590	11/02/2005	EXAMINER	
ANDREWS & KURTH, L.L.P. 600 TRAVIS, SUITE 4200 HOUSTON, TX 77002			HAQ, NAEEM U	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/ 819,133

EXAMINER

ART UNIT	PAPER
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20051028

DATE MAILED:

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Commissioner for Patents

Art Unit: 3625

Notice of Non-Responsive Amendment, Bona Fide Attempt

Applicant's amendment filed on May 23, 2005 is non-responsive. Claims 19-34 are directed to an invention that is independent or distinct from the invention originally presented for the following reasons:

Inventions directed to the originally presented claims and the currently presented claims are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of the currently presented claims can be practiced by another materially different apparatus such as a system which does not require the specific "means for" structural elements recited in the originally presented system claims.

The amendment filed on May 23, 2005 canceling the originally presented claims and introducing another independent or distinct invention is non-responsive (MPEP § 821.03). The currently presented claims are not readable on the originally presented invention because of the reasons given above.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, Applicants are given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

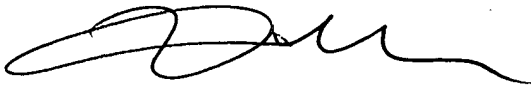
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

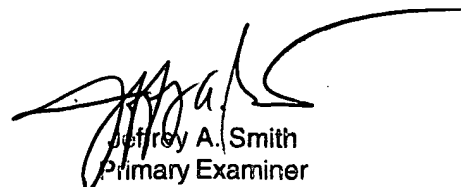
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner
Art Unit 3625

October 27, 2005



Jeffrey A. Smith
Primary Examiner